



## **CALIFORNIA DEPARTMENT OF JUSTICE GUIDELINES FOR ACCESS TO PUBLIC RECORDS**

*September 2006*

California citizens have a right to access public information maintained by government agencies, including the Department of Justice [Department]. That right is provided for in the California Public Records Act and the state constitution, and it includes the right to inspect and copy records of state and local government agencies.

As the Legislature stated in enacting the California Public Records Act, “access to information concerning the conduct of the people’s business is a fundamental and necessary right of every person in this state.” The Department’s guidelines for access to public records rest on that principle.

### **GUIDELINES**

**Direct Your Request to the Public Records Ombudsman.** The Department has designated a Public Records Ombudsman to facilitate its response to public records requests. If you direct your request to the Public Records Ombudsman, it will make it easier for us to track and process your request which will result in your receiving a more prompt response. The Ombudsman may be reached by telephone at (916) 445-4069, by email at [PublicRecords@doj.ca.gov](mailto:PublicRecords@doj.ca.gov), and by U.S. mail at, Attorney General’s Office, Public Records Ombudsman, P.O. Box 944255-2550, Sacramento, CA.

**Written Requests Encouraged.** The Department encourages, but does not require, requests for records to be made in writing unless the request involves records maintained by the Department for the purpose of immediate public inspection. Examples of these types of records include statements of economic interest, Department publications and these guidelines. Written requests help the Department respond to the request and correctly identify the records requested. Denials of written requests will be provided in writing. When requests are made orally, the Department may confirm the request in writing to ensure it has correctly understood the request.

**Records Defined.** “Records” include any writing owned, used or maintained by the Department in the conduct of its official business. Writings include information recorded or stored on paper, computers, email, or audio or visual tapes.

**Identifying Records.** In order to help the Department provide records promptly, requesters should provide specific information about the records they seek. When a record cannot be identified by name, the requester should attempt to be as specific as possible in describing the record, based on its content. If known, requesters should indicate the office, division, branch or section of the Department that created and maintains the records.

When a request is not sufficiently specific, Department staff will help the requester to identify the information, describe how the records are maintained or their physical location, and provide suggestions on how to overcome practical barriers to disclosure.

**Inspection of Public Records.** Public records maintained by the Department shall be available for inspection during the Department's regular business hours. Members of the public are not required to give notice in order to inspect public records at Department offices during normal working hours. However if the request requires the retrieval, review or redaction of records, a mutually agreeable time should be established for inspection of the records. Requests for Statements of Economic Interests, Public Records Guidelines, and Department publications usually can be provided quickly. Requests for other records may take more time because the records must be located, reviewed for exempt information and copied. The Department makes numerous publications and records freely available on its web site: [www.ag.ca.gov](http://www.ag.ca.gov).

In order to prevent records from being lost, damaged or destroyed during an inspection, Department employees may determine the location of, and may monitor, the inspection.

**Processing Requests for Copies of Records.** When a copy of a record is requested, and the record cannot be produced immediately, the Department will determine within 10 days after receipt of the request, whether to comply with the request, and shall promptly inform the requester of its decision and the reasons for the decision. The initial 10-day period may be extended for up to an additional 14 days if the Department needs to:

- a. Communicate with field offices.
- b. Inspect voluminous records.
- c. Consult with other divisions or agencies.
- d. Construct a computer report to extract data.

Whenever possible, the Department will provide records at the time the determination is made to disclose them. If immediate disclosure is not possible, the Department will provide an estimated date when the records will be available, and will provide the records within a reasonable period of time.

**Copying Fees.** The Department may charge the direct cost of duplication when it provides copies of records to the public (10 cents per page). The direct cost of duplication includes the pro rata expense of the duplicating equipment and the staff (salary/benefits) required to make a copy of the record. Direct cost of duplication does not include the staff person's time in researching, retrieving, redacting and mailing the record. When the Department must compile electronic data, extract information from an electronic record, or undertake computer programming to satisfy a request, the Department may require the requester to bear the full costs, not just the direct cost of duplication.

**Exemptions.** The Department will provide access to all public records upon request unless the law provides an exemption from mandatory disclosure. Examples of records exempt from mandatory disclosure under the California Public Records Act include: certain personnel records, investigative records, drafts, confidential legal advice, records prepared in connection with litigation, and information that may be kept confidential pursuant to other state or federal statutes. In most circumstances, when the Department removes or redacts exempt information from the record, it will disclose the remainder of the record.

**Identification of Requesters.** Department personnel shall not demand that persons requesting to inspect records provide their identification, or the reasons for wanting to inspect records. However, if records are to be picked up or mailed to a requester, relevant identifying information must be provided. Persons wishing to enter secured parts of Department buildings must comply with the Department's security protocol, including providing identification.

## **RELEVANT STATUTES**

California Constitution, Article I, Section 3, subdivision (b) and the California Public Records Act (Government Code Sections 6250-6276.48) govern access to public records of California state and local government agencies.

## **ADDITIONAL INFORMATION**

A copy of these guidelines shall be posted in a conspicuous public place at the offices of the Department. A copy shall be made available free of charge upon request by any member of the public.

For more information about open government and public records access, or to access publications of the Attorney General, visit the Attorney General's web site at [www.ag.ca.gov](http://www.ag.ca.gov)